

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Presentment Date: June 28, 2011

IN RE:

Case No. 10-22765

Roy Daher and Ellen Wojtal
Debtor

Chapter 13

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NOTICE OF PRESENTMENT

PLEASE TAKE NOTICE the undersigned will present the attached proposed order to the Hon.

Robert D. Drain, USBJ for signature on June 28, 2011 at 12:00 noon.

PLEASE TAKE FURTHER NOTICE objections, if any, to the proposed order must be made in writing and received in the Bankruptcy Judge's chambers and by the undersigned not later than 12:00 a.m. on June 27, 2011. Unless objections are received by that time, the order may be signed.

In the event of written opposition timely filed, a hearing shall be held June 28, 2011 at 9:30 am.

Dated June 17, 2011
Spring Valley, NY

/s/Joshua Bleichman
Law Office of Bleichman and Klein
Attorney for Debtor
268 Route 59 West
Spring Valley, N.Y. 10017
(845) 425-2510

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AFFIRMATION IN SUPPORT OF PRESENTMENT

COMES NOW Roy Daher and Ellen Wojtal, by and through their attorney, Joshua N. Bleichman who states he has knowledge of the foregoing and it is true.

1. The debtors filed for Chapter 13 bankruptcy on April 21, 2010.
2. The Court entered a loss mitigation order dated April 27, 2010.
3. Carrington filed a claim in the amount of \$733,036.65 with arrears of \$52,720.26 dated as claim #3.
4. The existing loan amount is \$593,556.24 with a 5.25% interest rate and the debtors pay \$3,042.51 a month.
5. The new loan amount is \$563,300.00 with a 5.00% interest rate and the debtors will pay \$2,716.22 a month.
6. Carrington Mortgage Servicing and the debtors have entered into a loan modification for the first mortgage and filed as claim number 3 which will moot the claim and Carrington Mortgage Servicing agrees to withdraw the claim.
7. The loan modification will allow the Debtors to keep their home and create a "performing loan" for Carrington, which is in the interest of all creditors.

WHEREFORE, the Debtor respectfully prays that this Court issue its Order: (1) finding that notice of and opportunity for the hearing upon this motion was appropriate in the particular

circumstances of this case; (2) approving the loan modification with Carrington Mortgage Servicing, and (3) granting such other and further relief as the court may deem appropriate.

Dated June 17, 2011
Spring Valley, NY

 /s/Joshua Bleichman
Law Office of Bleichman and Klein
Attorney for Debtor
268 Route 59 West
Spring Valley, N.Y. 10017
(845) 425-2510

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ORDER

WHEREAS Debtor filed its case on 04/21/2010;

WHEREAS the Court entered a loss mitigation order dated April 27, 2010

WHEREAS Debtor and Carrington Mortgage Servicing have entered into a loan modification for the first mortgage and filed as claim number 3 which will moot the claim and Carrington Mortgage Servicing agrees to withdraw the claim.

IT IS HEREBY ORDERED:

1) The loan modification is approved.

SO ORDERED:

Dated: June_____, 2011

Hon. Robert D. Drain, USBJ

CERTIFICATE OF SERVICE

I, Joshua N. Bleichman, an attorney admitted in this Court, affirm under the penalties of perjury I am not a party to this action am over the age of 18 years old. I have offices at 268 Route 59 West, Spring Valley, NY. I served the within Notice of Presentment, affirmation and Proposed Order on June 17, 2011, by depositing a true copy thereof in an post-paid wrapper, placing it in an official depository under the exclusive care of the US Postal Service within the State of New York, or by ECF addressed to:

U.S. Trustee

United States Trustee

33 Whitehall Street
21st Floor
New York, NY 10004

Jeffrey L. Sapir

As Chapter 13 and 12 Trustee
399 Knollwood Road
Suite 102
White Plains, NY 10603

Michelle C. Marans, Esq.

Steven J. Baum, P.C.
P.O. Box 1291
Amherst, New York 14240

_____/s/_____
Joshua N. Bleichman